

DEC 29 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NELIA FAYLOGA DELA ROSA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-73249

Agency No. A072-670-428

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 17, 2008^{**}

Before: GOODWIN, TROTT, and RYMER, Circuit Judges.

Nelia Fayloga Dela Rosa, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's decision denying her motion to reopen

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

removal proceedings based on her self-petition as an abused spouse. We have jurisdiction pursuant to 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Malhi v. INS*, 336 F.3d 989, 993 (9th Cir. 2003), we deny the petition for review.

The BIA did not abuse its discretion in denying Dela Rosa's motion to reopen to adjust status where Dela Rosa did not establish that she entered into the marriage in good faith. *See* 8 C.F.R. § 204.2(c)(1)(i)(H); *see also Malhi v. INS*, 336 F.3d 989, 994 (9th Cir. 2003) (upholding denial of motion to reopen to adjust status where movant failed to submit sufficient documentation to satisfy regulatory requirements).

We do not consider Dela Rosa's contention regarding extreme hardship where her failure to establish that her marriage was entered into in good faith is dispositive.

PETITION FOR REVIEW DENIED.